UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,413	01/23/2006	Thomas Jachmann	S303P05196	5530

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/565,413	JACHMANN ET AL.
	Examiner	Art Unit	
	Bryan P. Bui	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>10-20</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-9</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>10-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 January 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>09/19/2007</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080106

DETAILED ACTION

1.   This action is responsive to communications:

        a) Application No. 10/565,413 filed on 01/23/2006 claiming priority

from PCT Application PCT/DE04/01341 filed on 06/23/2004 claiming priority from

Foreign Application (GERMANY) 103 33 888.8 filed on 07/22/2003.

        b) Amendment filed on 10/04/2007.

Status of Claims:

        Claims 1-9 have been cancelled by Applicant's preliminary amendment,

therefore are not considered in this action.

        Claims 10-20 are pending, of which claim 10 is amended and in

independent form.

2.   The information disclosure statement (IDS) submitted on 09/19/2007 has

been received and entered into the record. The submission is in compliance with

the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement

is being considered by the examiner.

3.   The Examiner substantially maintains the First Action on the Merits

rejections of claims 10, 11, 13-15 and 18 under 35 U.S.C. 103(a) as being

unpatentable over Thibault et al (EP 0 825 506 A2) in view of Paavilainen et

al.(U.S Pat. No. 6,598,142 B2), in view of the amendment, with modifications

corresponding to any amendment changes.

4.   The Examiner substantially maintains the First Action on the Merits

rejections of claims 12, 16-17, and 19-20 under 35 U.S.C. 103(a) as being

unpatentable over Thibault et al (EP 0 825 506 A2) in view of Paavilainen et al

(U.S Pat. No. 6,598,142 B2) as applied to claim 10 above, and further in view of

Schleiss et al (U.S Pub. No. 2003/0014500 A1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5.   Claims 10, 11, 13-15 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Thibault et al (EP 0 825 506 A2) in view of Paavilainen et al

(U.S Pat. No. 6,598,142 B2).

With respect to claim 10, Thibault discloses methods and apparatus for

remote process control, wherein "[a] communication unit" (see Thibault Figure 1

(26) and (28)) and "[a] data source" (see Thibault Figure 1 (25)) are provided.

Thibault also discloses a system for process control (see column 3 line 32 and

Figure 1) as "[a] runtime system" comprising "hardware components" (see

column 3 lines 32-40 and Figure 1) and "software components" (see column 3

lines 54-56 and Figure 1(25)) for transmitting data between the data source and

the communication unit. Additionally, Thibault discloses an "omopen list" (see, for

example, column 9 lines 25-27, 32-34 and Figure 2) as "the processing sequence

comprising processing routines" to provide a method for "controlling and/or

monitoring a data exchange between the communication unit and the data

source". Likewise, Thibault discloses the claimed feature of "the processing

sequence comprising processing routines each having an identical input

interface", wherein a software interface is provided (see, for example, column 7

lines 30-46) by the interface section. The claimed feature of "calling the

processing routines in succession and supplying data in a called processing

routine to the input interface of an immediately adjoining processing routine" is

also disclosed by Thibault, wherein the process data which are obtained from the

distributed processing routine (see Figure 1 (25c)) are forwarded immediately to

the downstream processing routine (see Figure 1 (25a)) as input data (see

Thibault, column 9, lines 43-50). Moreover, Thibault discloses the claimed

limitation of "accessing the memory area to stipulate an order wherein the

processing routines are called" by providing "software services" for access and

modification of information through the object manager (OM) (see column 5,line

57 – column 6, line 5 together with column 2, lines 18-33), especially by showing

in Figure 2 that the order of the processing routines "omopen list", "dqchange"

and "omupdate" is stipulated, and this order of the processing routines is

dependent only on what process data are requested by the client system (see column 9, lines 43-46).

However, Thibault does not expressly teach the claimed feature of "managing, with a runtime system, a dynamic memory area". Paavilainen et al, from the same or similar field of endeavor, describes a system enabling implementation of dynamic memory management (see Paavilainen, the abstract together with column 2, lines 1-8 and lines 54-67), wherein a technique of dynamic allocation of memory space in a subscriber identity module of a mobile station in a telecommunication system is provided (see column 2, lines 18-20). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to modify the runtime system of Thibault by adding a dynamic memory managing taught by Paavilainen to achieve the claimed limitation of "managing, with a runtime system, a dynamic memory area". Such combination would have permitted the process control method of Thibault to allow the runtime system to void the need to increase the size of its database (see Paavilainen, column 2, lines 8-10) and an overload of the system operation (see Paavilainen, column 2, lines 52-53).

With respect to claim 11, Thibault discloses the claimed limitation of "[a] data source is a part in a distributed system" by citing that the control stations are of the type conventionally used in a distributed process control architecture (see Thibault, column 3, lines 54-58 together with Figure 2).

With respect to claims 13 and 14, Thibault discloses that each process

control unit (see Figure 1 (19a)-(19e)) processes only the requests for its data

(see column 6, lines 44-47) using data objects (see Figure 1 (23 a)-(23e)).

Obviously, those data objects are correspond to "[a] source data identifier" as

cited in this claim. In addition, Thibault achieves the aspect of "controlling the

processing of the data on the basis of the source data identifier with one or more

of the processing routines" by using the data objects to detect and control the

data access operations which means that the process control units can be

accessed individually based on the source data identifiers (see Thibault, column

6 , lines 26, 44-47).

With respect to claim 15, Thibault discloses that the process data in his

invention are buffer-stored (see, for example, column 9, lines 22-25, 32-35), and

are displayed on the client systems (see, for example, column 9, lines 35-42.).

Those are the claimed features as cited in this claim.

With respect to claim 18, Thibault achieves the claimed limitations by

describing the process control system having "a network server" (see column 3,

lines 37-40 and Figure 1 (16) with "a server program" (see column 5, lines 46-47

and Figure 1 (25)) and "client computers" (see column 3, lines 33-34 and Figure 1 (12), (14)) with "a browser program" (see column 2, line 58 – column 3, line 7). Thibault also claims that the browser program can access the server program through the Internet (see Thibault, claim 3).

Furthermore, most of the limitations for claims 11, 13-15 and 18 have been noted in the rejection of claim 10. Therefore, they are rejected as set forth above.

6.   Claims 12, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault et al (EP 0 825 506 A2) in view of Paavilainen et al (U.S Pat. No. 6,598,142 B2) as applied to claim 10 above, and further in view of Schleiss et al (U.S Pub. No. 2003/0014500 A1).

With respect to claim 12, most of the limitations of this claim have been noted in the rejection of claim10. It is noted, however, neither Thibault nor Paavilainen discloses the claimed features of providing the data with a user identifier, checking the user identifier for a match with entries in prescribed user lists, and terminating data forwarding if no match is established. Schleiss et al, from the same or similar field of endeavor, teaches a method of processing transactional process control data (see Schleiss, paragraph 14 lines 2-8),

wherein a technique of authentication of users prior to access and to process

data is provided for preventing unauthorized data access, so that the process

data are forwarded only to the authenticated users (see Schleiss, paragraph 54

lines 14-22). Thus, it would have been obvious to someone of ordinary skill in the

art at the time the invention was made to further modify the remote control

method of Thibault (see previous modification in the rejection of claim 10) by

adding a user authentication technique taught by Schleiss to achieve the claimed

limitations of "providing the data with a user identifier, checking the user identifier

for a match with entries in prescribed user lists, and terminating data forwarding if

no match is established" . Such combination would have permitted the process

control method of Thibault to allow the transactional data communication for

process control systems to develop custom communication interfaces that must

be integrated to carry out each type of transactional data exchange (see

Schleiss, paragraph 11, lines 15-20).

With respect to claims 16 –17 and 19, neither Thibault nor Paavilainen

expressly discloses the claimed limitations of "at least one of the processing

routines is an error analysis routine" (as cited in claim 16), "at least one of the

processing routines is a monitoring routine" (as cited in claim 17), and "at least

one of the processing routines is a tracking routine" (as cited in claim 19).

However, Schleiss discloses an error analysis routine within the context of the

description (see page 7, lines 14-22 together with paragraph 31, lines 1-6).

Schleiss also achieves the claimed feature of "processing routines" by providing

a process control system to store data and/or monitoring data in a database (see

paragraph 40, lines 1-11 and Figure 3 and 4). Additionally, Shleiss discloses the

claimed limitation of "tracking routines" by using the user authentication prior to

access the data which is dependent not only on the user but also on the position

of the terminal within the network (see Schleiss, paragraph 54, lines 20-22 and

page 8, lines 15-28). Thus, it would have been obvious to someone of ordinary

skill in the art at the time the invention was made to further modify the remote

control method of Thibault (see the previous modification on the rejection of

claim10) by adding a technique taught by Schleiss to achieve the claimed

limitations of "at least one of the processing routines is an error analysis routine",

"at least one of the processing routines is a monitoring routine", and "at least one

of the processing routines is a tracking routine". Such combination would have

permitted the process control method of Thibault to allow the transactional data

communication for process control systems to develop custom communication

interfaces that must be integrated to carry out each type of transactional data

exchange (see Schleiss, paragraph 11, lines 15-20).

With respect to claim 20, neither Thibault nor Paavilainen expressly

discloses the claimed feature of "loading a configuration file into a dynamic

memory area" and "stipulating a structure and an order of the processing

routines". Schleiss et al, from the same or similar field of endeavor, discloses the

stipulation of the structure (see Schleiss, paragraph 36, lines 1-4 and Figure 3) and the order of processing routines (see Schleiss, paragraph 46, lines 5-9 and Figure 5). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further modify the remote control method of Thibault (see the previous modification on the rejection of claim10) by adding a technique taught by Schleiss to achieve the claimed limitations of "loading a configuration file into a dynamic memory area" and "stipulating a structure and an order of the processing routines". Such combination would have permitted the process control method of Thibault to allow the transactional data communication for process control systems to develop custom communication interfaces that must be integrated to carry out each type of transactional data exchange (see Schleiss, paragraph 11, lines 15-20).

Response to Arguments

7.   Applicant's arguments filed 10/04/2007 have been fully considered but they are not persuasive.

Applicant asserts on pages 7-10 that Thibault et al. do not disclose the following claimed features:

a) controlling and/or monitoring of data exchange between the communication unit and the data source with a processing sequence.

b) the processing sequence comprising processing routines each having an identical input interface.

c) calling the processing routines in succession and supplying data in a called processing routine to the input interface of an immediately adjoining processing routine.

d) managing, with the runtime system, a dynamic memory area and accessing the memory area to stipulate an order wherein the processing routines are called.

The Examiner respectfully disagrees with Applicant's assessment of the prior art.

With respect to a),

Applicant argues that Thibault et al. disclose "a method for remote control of a system to be controlled and the data exchange itself is not controlled". Examiner respectfully disagrees and refers applicant to column 1, lines 36-39 of Thibault, wherein Client applications **exchange information** with the control/sensing devices via a server, referred to as the "object manager" executing in distributed fashion in the control stations. In particular, Thibault discloses a processing sequence which controls and/or monitors the interchange of the data (see Fig. 2 : "omopen list" together with column 9, lines 32-42). Furthermore, one of ordinary skill in the art at the time invention was made would know that controlling and/or monitoring of data exchange would have been performed by controlling and/or monitoring of a system through which the communication is connected.

With respect to b),

Applicant argues that Thibault et al. disclose "*a front end 25a that is a simplified interface to the object manager 25c. The operator workstation can not communicate with the object manager (25c) directly. The object manager (25c) is configured to receive pointer based parameters, while the front end (25a) is configured to receive text strings*". Examiner respectfully disagrees and maintains that Thibault et al. discloses the processing sequence comprising processing routines each having an identical input interface. In particular, Thibault discloses Interface section 25b provides a software interface between the front end 25a and the object manager 25c (see column 7, lines 30-31) and the interface section 25b compensates for the inability of the Java front end 25a to utilize pointer-based parameters, e.g, by converting them to arrays (see column 7, lines 37-40). Furthermore, Thibault states that "those skilled in the art will appreciate that interface section 25b is optional and may be excluded in embodiments where the front end 25a can make calls directly to the object manager 25c" (see column 7, lines 43-46).

With respect to c),

Applicant argues that "*the processing routines are not called in succession, because the front end 25a receives a command send by the operator and transmits the command to the object manager 25c, whereupon the object manager 25c sends the requested data back to the front end 25a*".

Examiner respectfully disagrees and maintains that Thibault et al. discloses calling the processing routines in succession and supplying data in a called processing routine to the input interface of an immediately adjoining processing routine. In particular, Thibault discloses "Particularly, the front end 25a responds to requests received over the network in TCP/IP protocol to generate calls to object manager 25c in accordance with its aforementioned API" (see column 7, lines 7-10) and "The object manager 25c begins looping, while awaiting further requests from the client applet 26 and awaiting updates on the data values from the object manager 25c" (see column 9, lines 43-46 and Fig. 2: OMUPDATE).

With respect to d),

Applicant argues that "*Since the order of the "processing routines" is basically fixed, there is no need for a method step which stipulates the order of the "processing routines". The operator only has the option of starting commands in an expedient and basically fixed order*". Examiner respectfully disagrees and emphasizes that the order of the "processing routines" is NOT fixed (see column 10, lines 54-57 and column 11, lines 2-9) and is dependent only on what process data are requested by the client system. Furthermore, the operator can either specify new points to the applet 26 or can tell the web browser 22, 24 to connect to a different information server. If the operator signals that he or she wishes to connect to another server, the client applet 26 breaks the connection with the server by sending on "OMBREAK" message to the front end 25a over the network (see column 10, lines 5-11).

For at least these reasons, Examiner substantially maintains the rejections of the claims using the cited prior arts.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crater et al. (US Pat No. 6,201,996 B1 and 5,805,442)

Guezou et al. (US Pat No. 6,131,114)

Iida et al. (US Pat No. 5,985,071)

Okabayashi et al. (US Pat No. 5,253,346)

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan P. Bui whose telephone number is (571)270-1981. The examiner can normally be reached on 8:00 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BB

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SUPERVISORY PATENT EXAMINER